

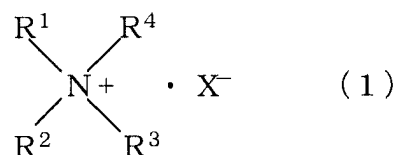
REMARKS

Claim 1 has been amended to incorporate subject matter of claims 2 and 3. Claims 6-8 and 10-11 have been amended to correct dependencies and avoid duplicate claims, with support being found at page 20, lines 10-12 and in the Examples. Claims 2 and 3 have been canceled. Thus, no new matter has been added. Upon entry of this amendment, which is respectfully requested, Claims 1 and 4-13 will be pending.

Claim Rejections Under § 102

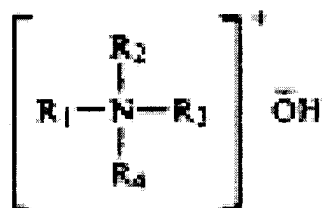
Claims 1 - 13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,124,054 to Habeeb et al. Applicant respectfully traverses.

The present claims relate to a lubricating oil additive comprising a quaternary ammonium salt having a base number of at least 10 mgKOH/g, wherein the quaternary ammonium salt is represented by the following general formula (1)



R^1 to R^4 each independently represent a hydrocarbon group having 1 to 30 carbon atoms, $-\text{R}^9\text{O}-\text{CO}-\text{R}^{10}$, or $-\text{R}^{11}\text{NH}-\text{CO}-\text{R}^{12}$, provided that at least one of R^1 to R^4 represents a hydrocarbon group having 1 to 30 carbon atoms. Further, R^9 and R^{11} each represent a hydrocarbon group having 1 to 4 carbon atoms, R^{10} and R^{12} each represent a hydrocarbon group having 1 to 30 carbon atoms or a hydrogen atom and X^- represents an anionic group derived from carbonic acid, a carbonate, boric acid or an organic carboxylic acid.

Habeeb discloses a quaternary ammonium hydroxide for use in a hydrocarbon and selected from compounds having the general formula:



Habeeb further discloses that with regard to the above formula, R_1 is a hydrocarbon radical (or group) or a hydroxy terminated radical (or group) having from 1 to 24 carbon atoms, R_2 is a hydrocarbon radical having from 1 to 24 (preferably from 4 to 24) carbon atoms, and R_3 and R_4 are hydrocarbon radicals having from 4 to 24 carbon atoms. *See*, col. 1, lines 54-68. In other words, Habeeb discloses that the anionic group is a hydroxide.

Habeeb fails to disclose or suggest a quaternary ammonium salt represented by the above formula wherein X is selected from the group consisting of anionic groups derived from carbonic acid, a carbonate, boric acid or an organic carboxylic acid as presently claimed. Thus, Habeeb fails to anticipate the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/587,020

Attorney Docket No.: Q95838

Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

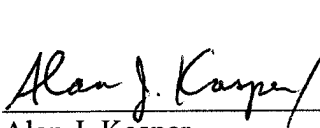
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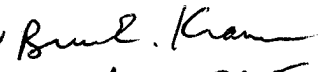
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Date: February 13, 2009


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